

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of)
U.S. Patent No. 4,775,624)
Nils U. Bang et al) Group Art Unit: Unassigned
Application No.: Unassigned) Examiner: Unassigned
Filed: November 4, 1998)
For: VECTORS AND COMPOUNDS)
FOR EXPRESSION OF)
HUMAN PROTEIN C)

DECLARATION UNDER 37 C.F.R. §1.175(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Petitioner, through the undersigned, hereby declares that Petitioner is a corporation existing under the laws of the State of Indiana, having a place of business at Lilly Corporate Center, Indianapolis, Indiana 46285, and is the owner of the entire right, title and interest in and to United States Letters Patent No. 4,775,624, granted October 4, 1988, and entitled "VECTORS AND COMPOUNDS FOR EXPRESSION OF HUMAN PROTEIN C."

Petitioner further declares the following:

Petitioner verily believes United States Letters Patent No. 4,775,624 may be at least partly inoperative or invalid for the reason that Petitioner failed to provide claims of intermediate scope.

The error in claiming was discovered as a result of discussions involving Petitioner's attorneys. During those discussions, it was discovered that claims of intermediate scope were lacking in the scope of coverage.

The first set of claims to be added further defines the polypeptide, vector and host cell employed in the methods of production. See, claims 85, 88, 89 and 90. Because these claims depend from original claim 12, wherein the vector and host cell employed is not specified, the added claims are more narrow. It was error for Petitioner to omit a set of claims defining the vectors employed.

The second set of claims to be added provides additional steps for the claimed method of production, for example, the steps of isolating the polypeptide and activating the human protein C zymogen. See, claims 84, 86 and 87. Because additional steps are added to the claimed method, the added claims are more narrow than original claim 12 of the patent. It was error for Petitioner to omit such claims in the Patent.

The third set of claims to be added further define the plasmids of the invention as comprising an additional gene or promoter. See, claims 91 and 92. Because these claims

recite additional components being present in the plasmids, these claims are more narrow than original claim 2. It was error for Petitioner to omit claims of this scope.

In addition, claim 83 is added to recite that the coding sequence for the active heavy chain of human protein C is added to the claims coding sequence of the active light chain of human protein C. Because this claim specifies the sequence for both the heavy and light chains, it is more narrow than original claim 81. It was error for Petitioner to omit a claim of this scope.

This application for reissue of the original Letters Patent addresses the above-identified errors in claiming by adding dependent claims further defining the invention of Bang et al. The above-identified errors in claiming occurred without any deceptive intention on Petitioner's part.

Petitioner verily believes that the named inventors Nils U. Bang, residing at 706 East 71st Street, Indianapolis, Indiana, citizen of the United States; Robert J. Beckmann, residing at 5459 Vicksburg Drive, Indianapolis, Indiana 46254, citizen of the United States; S. Richard Jaskunas, residing at 16 Algonquian Drive, Natick, Massachusetts 07160, citizen of the United States; Mei-Huei T. Lai, residing at 2110 Pebble Beach Drive, Carmel, Indiana 46032, citizen of the United States; Sheila P. Little, residing at 4480 North Meridian Street, Indianapolis, Indiana 46208, citizen of the United States; George L. Long, residing at 18 Beech Street, Burling, Vermont 05401; and Robert F. Santerre, residing at 11735 East 500

South Zionsville, Indiana, to be the first, original and joint inventors of the subject matter which is claimed in this application for reissue and for which reissue of the original Letters Patent on the invention entitled "VECTORS AND COMPOUNDS FOR EXPRESSION OF HUMAN PROTEIN C" is sought, and Petitioner does not believe that the invention was ever known or used before the above-named inventors' invention thereof was made.

Petitioner has reviewed and understands the contents of the specification, including the claims as presented in the accompanying application for reissue.

Petitioner acknowledges the duty to disclose information of which Petitioner is aware and which is material to the examination of this application for reissue.

The undersigned hereby declares further that all statements made herein of his own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section

Application No. Unassigned
Reissue of U.S. Patent No. 4,775,624
Attorney's Docket No. 008439-016

1001 of title 18 of the United States Code, and that such willful false statements may
jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

ELI LILLY AND COMPANY

By: Robert A. Conrad
Name: Robert A. Conrad
Title: Assistant General Patent Counsel

Lilly Corporate Center
Indianapolis, Indiana 46285

Date: November 4, 1998

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In re Reissue Application of)	
U.S. Patent No. 4,775,624)	
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Nils U. Bang et al)	Group Art Unit: Unassigned
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Application No.: Unassigned)	Examiner: Unassigned
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Filed: November 4, 1998)	
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For: VECTORS AND COMPOUNDS FOR)	
EXPRESSION OF HUMAN)	
PROTEIN C)	

POWER OF ATTORNEY
BY ASSIGNEE OF ENTIRE INTEREST

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

As Assignee of the entire interest in the above-identified application, R. Danny Huntington, Registration No. 27, 903, Donna M. Meuth, Registration No. 36,607, Michael T. Bates, Registration No. 34,121, Steven P. Caltrider, Registration No. 36,467, Daniel W. Collins, Registration No. 31,912, Robert A. Conrad, Registration No. 32,089, Anne I. Craig, Registration No. 32,976, Stephen G. Davis, Registration No. 39,652, Amy E. Hamilton, Registration No. 33,894, James J. Kelley, Registration No. P41,888, Paul J. Koivuniemi, Registration No. 31,533, Ronald S. Maciak, Registration No. 35,262, Thomas G. Plant, Registration No. 35,784, Guy K. Townsend, Registration No. 34,033, Thomas D. Webster, Registration No. 39,872 are hereby appointed to prosecute and transact all business in the U.S. Patent and Trademark Office connected with the above-identified application. The Assignee has reviewed documentary evidence of the chain of title from the original owner to the Assignee recorded in the U.S. Patent and Trademark Office at Reel 4897, Frame 182, and

certifies that to the best of its knowledge and belief it is the owner of the entire right, title and interest in and to the above-identified application.

Correspondence should be directed to:

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Respectfully submitted,

ELI LILLY AND COMPANY

By: Robert A. Conrad
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Title: Assistant General Patent Counsel

Lilly Corporate Center
Indianapolis, Indiana 46285
(317) 276-2000

Date: November 4, 1998

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Applicant: Nils U. Bang et al

Patent No.: 4,775,624 Issued: October 4, 1988

For: VECTORS AND COMPOUNDS FOR EXPRESSION OF HUMAN PROTEIN C

ELI LILLY AND COMPANY
(Name of Assignee)

a corporation
(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 4897, Frame 182, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date : November 4, 1992

Name : Robert A. Conrad

Title : Assistant General Patent Counsel

Signature : RAC

(12/97)